



Kearny Town Council

402 Kearny Avenue
Kearny, NJ 07032

ADOPTED

RESOLUTION 2016-250

DOC ID: 8397

Resolution Conditionally Designating The Sitex Group, LLC as Redeveloper of the former Standard Chlorine Site (Block 287, Lot 48, 49, 49.01, 51, 52 and 52.01) and the former Diamond Shamrock Site (Block 287, Lot 46).

WHEREAS, the Town of Kearny is the owner of the former Standard Chlorine Site (currently designated as a superfund site by the USEPA), which it acquired by means of tax foreclosure; and

WHEREAS, the Diamond Shamrock Site is adjacent to the Standard Chlorine Site and is owned by Tierra Solutions Inc. ("Tierra"); and

WHEREAS, both sites are within the Koppers Coke Peninsula Redevelopment Area and are subject to the 2013 Redevelopment Plan established by the New Jersey Meadowlands Commission (now the New Jersey Sports and Exposition Authority); and

WHEREAS, the Town adopted the Koppers Coke Peninsula Redevelopment Plan pursuant to the Hackensack Meadowlands Agency Consolidation Act; and

WHEREAS, the Sitex Group, LLC ("Sitex") has requested that it be designated Redeveloper of the Standard Chlorine Site and Diamond Shamrock Site; and

WHEREAS, Town representatives have met with prospective redevelopers and have determined that Sitex has presented the best proposal for the redevelopment of both parcels, including the purchase of Standard Chlorine site as set forth on the attached Term Sheet; and

WHEREAS, Sitex staff members have demonstrated experience in redeveloping highly contaminated sites for warehouse use now, therefore, be it

RESOLVED by the Mayor and Council of the Town of Kearny, Hudson County, New Jersey that:

1. Sitex be and hereby is conditionally designated the redeveloper of the Standard Chlorine Site and Diamond Shamrock Site, subject to (i) execution of a Redeveloper Agreement (the "Redeveloper Agreement") between the Town and Sitex (which will incorporate the terms of the sale of the Standard Chlorine site to Sitex) and (ii) execution of an agreement of sale between Tierra and Sitex for the acquisition of the Diamond Shamrock site (the "Tierra Contract").
2. If the Redeveloper Agreement and Tierra Contract are not negotiated and executed by November 9, 2016 (the "Conditional Designation Period"), the designation will expire unless that designation is specifically extended by a Resolution of the Mayor and Council.
3. Except for its agreement not to negotiate with any other party during the Conditional Designation Period for the purchase of the Standard Chlorine Site or the redevelopment of

the Standard Chlorine Site and Diamond Shamrock Site, neither the Town nor Tierra shall have any obligations to Sitex unless and until the execution of the Redeveloper Agreement and Tierra Contract by all parties.

James Bruno

ADOPTED: May 10, 2016

I hereby certify that the foregoing resolution was adopted by the Council on **May 10, 2016**.


PATRICIA CARPENTER
TOWN CLERK

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alberto G. Santos, Mayor |
| SECONDER: | Albino Cardoso, Council Member |
| AYES: | Doyle, Landy, McCurrie, Eckel, Cardoso, Giordano, DeCastro, Santos |
| ABSENT: | Richard Konopka |